

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JUSTIN SCOTT,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY,

Defendant.

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1:19-CV-651-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant Allstate Fire and Casualty Insurance Company's ("Allstate") motion to remand to state court and partial motion to dismiss for failure to state a claim, (Dkt. 2 & 3). (R. & R., Dkt. 10). In his report and recommendation, Judge Lane recommends that the Court grant the motion to remand and, because Judge Lane deemed remand to be appropriate, recommends that the Court not reach the partial motion to dismiss. (*Id.* at 6). Plaintiff Justin Scott ("Scott") timely filed objections to the report and recommendation on February 3, 2020. (Objs., Dkt. 13). Allstate responded to Scott's objections on February 6, 2020. (Resp., Dkt. 14).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Scott timely objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Scott's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 10), is **ADOPTED**. The Court **GRANTS** Allstate's motion to remand, (Dkt. 3); **MOOTS** Allstate's partial motion to dismiss, (Dkt. 2); and **DENIES** Scott's objections to the report and recommendation, (Dkt. 13).

**IT IS ORDERED** that this case is **REMANDED** to the County Court at Law #2, Travis County, Texas, for lack of subject matter jurisdiction.

**SIGNED** on February 20, 2020.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE